



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,300	05/17/2001	Klaus Lindemann	P277884	6583

7590 08/17/2004
PILLSBURY WINTHROP LLP
1600 TYSONS BOULEVARD
McLean, VA 22102

EXAMINER	
JACKSON, BLANE J	
ART UNIT	PAPER NUMBER
2685	12

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/806,300

Applicant(s)

LINDEMANN, KLAUS

Examiner

Blane J Jackson

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-14 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Amendment D, filed 01 June 2004, with respect to the Final Rejection and the effective filing date of the prior art reference Raith, have been fully considered and are persuasive. The Final Rejection has been withdrawn. A Non-Final Rejection based on previously introduced prior art reference of Boltz and Hentila et al. follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boltz (U.S. Patent 6,131,024) with a view to Hentila et al. (U.S. Patent 6,044,259).

As to claims 1, 3, 4 and 8, Boltz teaches a method and arrangement for transmitting credit/charging information to a mobile station, the method including:

Maintaining credit/charging information related to the subscriber of the mobile station in a network node (column 3, line 41 to column 4, line 11),

Detecting a call setup request wherein the a call setup request indicates a call chargeable to the subscriber of the mobile station but does not include the credit/charging information,

Based on the call setup request, determining the credit/charging information maintained in the network node (column 4, lines 41-47),

Establishing the call (column 4, lines 47-58),

Detecting a termination of the call and,

Updating the credit/charging information maintained network node (figures 2 and 3, column 5, lines 15-27),

Boltz also teaches sending the credit/charging information to the mobile station as a connectionless message upon subscriber request (by USSD or MMI message, column 5, lines 27-36), but does not teach sending the information upon the detection of the call termination.

Hentila teaches a wireless telephone system with an intelligent node to control and track call usage defined by the subscriber. Hentila further teaches the SCP checks the subscriber database to see the current balance of the subscriber and notifies the subscriber by voice or display message during call set-up. Hentila also teaches the call can be monitored in respect to several conditions indicated in the subscriber record where further action is taken at the end of the call where the subscriber's account shows the real time balance (column 7, line 38 to column 8, line 29).

Since Hentila teaches a system where subscriber record instructions indicate how to perform when certain conditions are met as related to the status and display of

call charges (column 6, lines 46-66), it would have been obvious to one of ordinary skill in the art at the time of the invention to recognize in the system of Boltz the call control of Hentila such that the system indicates call charge status whenever directed by automatic or manual means by the subscriber.

As to claim 2, Boltz teaches the method of claim 1 further comprising defining an upper limit for an accumulated price of telephone calls, monitoring the accumulated price of telephone calls and allowing a new call only if the accumulated price of telephone calls is less than the upper limits (column 4, lines 41-58).

As to claims 6, 7, 9 and 10, with respect to claim 1, Hentila of Boltz modified teaches an intelligent network to handle different and evolving call services comprised of a Service Switching Point (SSP) to give the user access to the network and detects service requests of the intelligent network, a Service Control Point (SCP) comprising the programs of the service logic and a service data Point (SDP) that contains the program service data (column 1, lines 39-67). This network under SCP control is used to coordinate and implement call services where the call may be monitored in respect to call accumulation and other condition indicated in the subscriber record (figure 3, column 8, lines 11-29 and column 4, lines 34-56). Hentila does not specifically teach the network node (the SCP) requesting a Mobile service Switching Center (MSC) to report the termination of the call to determine and send the credit/charging information to the mobile station. However, it would have been obvious to one of ordinary skill in the art at

the time of the invention to recognize in the intelligent network and prepaid call control system of Hentila of Boltz modified for the SCP within the intelligent network to direct the operational steps to determine and send credit/charging information to the mobile station as taught by Boltz modified, as discussed in claim 1.

4. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boltz in combination with Hentila et al. and further in view of Laybourn et al. (U.S. Patent 6,480,710).

As to claims 10-14, the intelligent network of Boltz and Hentila do not teach a separate processor configured to format the credit/charging information.

Laybourn teaches a cellular network with management of a prepaid wireless service and utilizes a Short Message Service Center (SMSC) to format a message containing tariff rates or to answer user requests such as an available credit amount (column 6, lines 41-64) sent over the air to a mobile device (figure 1, SMSC (180), mobile (10), column 3, lines 30-54 and column 5, line 63 to column 6, line 7.

It would have been obvious to one of ordinary skill in the art at the time of the invention to recognize in Boltz and Hentila the separate processing SMSC ability of Laybourn such that the service provider can forward tariff table updates and the like at any time the service provider needs to do so.

Allowable Subject Matter

5. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J Jackson whose telephone number is (703) 305-5291. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJJ


EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600